

KIRBY McINERNEY & SQUIRE, LLP

TELEPHONE:(212) 371-6600
(212) 317-2300
FACSIMILE:(212) 751-2540

830 Third Avenue
New York City 10022

IRVING MALCHMAN, OF COUNSEL

VIA E-FILING

May 2, 2005

Clerk of the Court
United States District Court for the District of Massachusetts
Suite 2300
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, Massachusetts 02210

Re: *County of Suffolk v. Abbott Laboratories, Inc., et al.*(E.D.N.Y. Case No. CV-0229);*County of Westchester v. Abbott Laboratories, Inc., et al.*(S.D.N.Y. Case No. 03-CV-6178); *County of Rockland v. Abbott Laboratories, Inc., et al.* (S.D.N.Y. Case No. 03-CV-7055); *County of Onondaga v. Abbott Laboratories, Inc., et al.* (N.D.N.Y. Case No. 05-CV-0088); *The City of New York v. Abbott Laboratories, Inc., et al.* (S.D.N.Y. Case No. 04-CV-06054) (MDL 456) (No. 01-CV-12257-PBS)

Dear Sir or Madam:

Per this Court's Order entered June 17, 2004 enclosed for filing in the above-captioned matters please find the May 2, 2005 status report for the Counties of Suffolk, Westchester, Rockland, Onondaga and the City of New York.

Sincerely,

/s/ Aaron D. Hovan
Aaron D. Hovan

Enclosures
cc: All Parties on Verilaw

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

County of Suffolk v. Abbott Laboratories, Inc., et al.,
E.D.N.Y. Case No. 03-CV-229

County of Westchester v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-6178

County of Rockland v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-7055

County of Onondaga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0088

The City of New York v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 04-CV-06054

MDL. NO. 1456

Civil Action No.
01-CV-12257- PBS

Judge Patti Saris

**STATUS REPORT FOR THE COUNTIES OF SUFFOLK, WESTCHESTER,
ROCKLAND, ONONDAGA AND THE CITY OF NEW YORK**

The undersigned counsel for the Counties of Suffolk, Westchester, Rockland, Onondaga and the City of New York hereby submits the attached status report to the Court in accordance with the Court's June 17, 2004 Procedural Order.

Date: May 2, 2005
New York, New York

KIRBY McINERNEY & SQUIRE, LLP

By: /s/ Joanne M. Cicala

Joanne M. Cicala

Aaron D. Hovan

James P. Carroll

Michael B. Coons

830 Third Avenue

New York, New York 10022

(212) 371-6600

**COUNSEL FOR THE COUNTIES OF SUFFOLK,
WESTCHESTER, ROCKLAND, ONONDAGA AND
THE CITY OF NEW YORK**

MDL 1456 Status Report for:

County of Suffolk v. Abbott Laboratories, Inc., et al.
E.D.N.Y. Case No. 03-CV-0643

County of Westchester v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-6178

County of Rockland v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-7055

County of Onondaga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0088

The City of New York v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 04-CV-06054

Motions Sub Judice

County of Suffolk's Second Motion To Compel The Production of Discovery From The Schering-Plough Corporation

- January 20, 2005- Suffolk County files Second Motion To Compel The Production of Discovery From The Schering-Plough Corporation.
- January 25, 2005- Schering files Opposition to County of Suffolk's Second Motion to Compel the Production of Discovery.
- January 27, 2005- Judge Marianne B. Bowler Denies Second Motion for Discovery without prejudice . Deadline for responses is set for February 28, 2005.
- March 30, 2005- Suffolk files Motion to Renew Its Second Motion to Compel the Production of Discovery From the Schering-Plough Corporation.
- April 6, 2005- Schering files Opposition to County of Suffolk's Motion to Renew Its Second Motion to Compel the Production of Discovery from the Schering-Plough Corporation.
- May 3, 2005- Motion hearing set for 10:15 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler.

Consolidated Complaint

On May 3, 2005, the City of New York and Counties of Westchester, Rockland and Onondaga will file a Notice of Intent to File a Consolidated Complaint on or before June 15, 2005.¹

In addition to the City of New York and the Counties of Westchester, Rockland and Onondaga, at least the following New York Counties have retained Kirby McInerney & Squire, LLP and have or presently will file complaints in their respective district courts . Thereafter such cases will be transferred to this MDL and each County will join in the Consolidated Complaint:

Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Columbia, Cortland, Essex, Fulton, Genesee, Greene, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Niagara, Orleans, Oneida, Ontario, Putnam, Rensselaer, St. Lawrence, Saratoga, Seneca, Schuyler, Steuben, Sullivan, Tioga, Tompkins ,Warren,Washington, Wayne, Wyoming and Yates

Anticipated Filings

The County of Suffolk will file its motion for leave to join in the above-referenced Consolidated Complaint (in effect a motion by Suffolk for leave to file a Second Amended Complaint) contemporaneously with the filing of said Consolidated Complaint.

Counsel for the Counties of Suffolk, Westchester, Rockland, Onondaga and the City of New York will file additional motions as are necessary to fully and effectively prosecute this case. In addition, the Counties and City of New York will request a Status Conference and the entry of a Case Management Order by a motion to be filed soon.

¹ During the April 8, 2005 hearing counsel informed the Court of the intent to file this Consolidated Complaint by May 6, 2005. Additional time is required however in order to allow for all Counties to file their respective complaints, be transferred to the MDL and thereafter to join in the Consolidated Complaint.

Certificate of Service

I certify that on May 2, 2005 a true and correct copy of the foregoing May 2, 2005 Status Report was served on all Counsel of Record by electronic service pursuant to Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Aaron D. Hovan

Aaron D. Hovan